



March 27, 2015

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# ENGROSSED

## HOUSE BILL No. 1016

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DIGEST OF HB 1016 (Updated March 25, 2015 10:53 am - DI 104)

**Citations Affected:** IC 2-5; IC 16-18; IC 16-35.

**Synopsis:** Newborn safety incubators. Requires the commission on improving the status of children in Indiana to submit, before January 1, 2016, to the general assembly and the governor's office recommendations concerning: (1) new methods or mechanisms for carrying out policies relating to abandoned children; and (2) the production and distribution of information and posting of uniform signs regarding certain laws regarding emergency custody of abandoned children. Requires the state department of health to prepare and submit, before January 1, 2016, to the general assembly and the governor's office recommendations concerning standards and protocols for the installation and operation of newborn safety incubators. Requires the state department of health to consider certain factors in preparing the recommendations.

**Effective:** July 1, 2015.

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**Cox, Clere, Brown C, Sullivan,  
Ober, Zent, Bacon, Lucas,  
McNamara, Arnold L, Judy,  
Carbaugh, Ubelhor, Morris, Hale**

(SENATE SPONSORS — MERRITT, HOLDMAN, KRUSE, BANKS A,  
HOUCHIN, STOOPS)

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January 6, 2015, read first time and referred to Committee on Public Health.  
February 19, 2015, amended, reported — Do Pass.  
February 23, 2015, read second time, ordered engrossed. Engrossed.  
February 24, 2015, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

March 2, 2015, read first time and referred to Committee on Health & Provider Services.  
March 26, 2015, amended, reported favorably — Do Pass.

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EH 1016—LS 6099/DI 110





March 27, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1016

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 2-5-36-9.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 9.5. (a) The commission shall, before January 1, 2016,**  
4 **submit to the general assembly in an electronic format under**  
5 **IC 5-14-6 and the governor's office recommendations concerning**  
6 **the following:**  
7 (1) **New methods or mechanisms for carrying out policies**  
8 **relating to abandoned children, including the use of newborn**  
9 **safety incubators (as defined in IC 16-35-9-4).**  
10 (2) **The production and distribution of information**  
11 **concerning the laws regarding emergency custody of**  
12 **abandoned children under IC 31-34-2.5.**  
13 (3) **The advisability of establishing and posting uniform signs**  
14 **regarding locations at which children may be voluntarily left**  
15 **with an emergency medical services provider under**

EH 1016—LS 6099/DI 110



**IC 31-34-2.5.**

**(b) This section expires July 1, 2016.**

SECTION 2. IC 16-18-2-111.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 111.3. (a) "Emergency medical services provider", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-1.**

**(b) This section expires July 1, 2016.**

SECTION 3. IC 16-18-2-122 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 122. (a) "Facility", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-2. This subsection expires July 1, 2016.**

**(b) "Facility", for purposes of IC 16-41-11, has the meaning set forth in IC 16-41-11-2.**

SECTION 4. IC 16-18-2-248.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 248.2. (a) "Newborn", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-3.**

**(b) This section expires July 1, 2016.**

SECTION 5. IC 16-18-2-248.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 248.3. (a) "Newborn safety incubator", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-4.**

**(b) This section expires July 1, 2016.**

SECTION 6. IC 16-18-2-302.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 302.4. (a) "Qualified service provider", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-5.**

**(b) This section expires July 1, 2016.**

SECTION 7. IC 16-35-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 9. Newborn Safety Incubators Recommendations**

**Sec. 1. As used in this chapter, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.**

**Sec. 2. As used in this chapter, "facility" means a building in which one (1) or more of the following are located:**

**(1) A hospital licensed under IC 16-21.**

**(2) A fire department or volunteer fire department of a unit (as defined in IC 36-1-2-23), staffed twenty-four (24) hours a**



day by an emergency medical services provider.

(3) A law enforcement agency (as defined in IC 35-47-15-2),  
staffed twenty-four (24) hours a day by an emergency medical  
services provider.

Sec. 3. As used in this chapter, "newborn" means a child who is  
less than thirty-one (31) days of age.

Sec. 4. As used in this chapter, "newborn safety incubator"  
means a device that is designed to permit:

- (1) a person to anonymously place a newborn in the device  
with the intent to leave the newborn; and
- (2) another person to remove the newborn from the device  
and take custody of the newborn.

Sec. 5. As used in this chapter, "qualified service provider"  
means any of the following:

- (1) A hospital licensed under IC 16-21.
- (2) A fire department or volunteer fire department of a unit  
(as defined in IC 36-1-2-23), staffed twenty-four (24) hours a  
day by an emergency medical services provider.
- (3) A law enforcement agency (as defined in IC 35-47-15-2),  
staffed twenty-four (24) hours a day by an emergency medical  
services provider.

Sec. 6. The state department shall, before January 1, 2016,  
prepare and submit to the general assembly in an electronic format  
under IC 5-14-6 and the governor's office recommendations  
concerning standards and protocols for the installation and  
operation of newborn safety incubators. In preparing the  
recommendations under this section, the state department shall  
consider the following:

- (1) Sanitation standards for newborn safety incubators.
- (2) Procedures to provide emergency care for a newborn left  
in a newborn safety incubator.
- (3) Manufacturing and manufacturer standards for newborn  
safety incubators.
- (4) Design and function requirements, including that a  
newborn safety incubator satisfies all the following:
  - (A) Is accessible from the exterior of a facility.
  - (B) Allows a newborn to be placed anonymously in the  
newborn safety incubator from outside the facility.
  - (C) The door or window of the newborn safety incubator  
that allows access outside the facility automatically locks  
after a newborn is placed in the newborn safety incubator.
  - (D) A person outside the facility is unable to access the



newborn safety incubator after a newborn has been placed in the newborn safety incubator.

(E) Provides a controlled environment for the care and protection of the newborn.

(F) Has a signal that notifies an emergency medical services provider within thirty (30) seconds of a newborn being placed in the newborn safety incubator.

(G) Is accessible to an emergency medical services provider inside the facility.

(5) The operating policies, supervision, and maintenance of a newborn safety incubator, including requiring that only an emergency medical services provider supervise the newborn safety incubator and take custody of a newborn.

(6) Procedures and forms for the registering of qualified service providers that install newborn safety incubators.

(7) Procedures and standards for inspections of newborn safety incubators.

(8) Costs concerning the registration and regulation of newborn safety incubators and fees for registration to offset the costs.

(9) Preparation and posting of signs near or on newborn safety incubators.

(10) Enforcement actions and remedies for violations concerning newborn safety incubators.

(11) Any other criteria the state department considers necessary to ensure the safety and welfare of a newborn placed in a newborn safety incubator.

Sec. 7. This chapter expires July 1, 2016.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1016, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 7, delete "receives a license from" and insert **"meets the standards and protocols adopted by"**.

Page 3, delete lines 8 through 10, begin a new paragraph and insert:

**"Sec. 7. (a) A qualified service provider that installs a newborn safety incubator in a facility of the qualified service provider shall register with the state department."**

Page 3, line 11, delete "A" and insert **"Beginning July 1, 2016, a"**.

Page 3, line 11, delete "receives a license" and insert **"meets the standards and protocols adopted by the state department"**.

Page 3, line 12, delete "install and".

Page 3, line 17, delete "licensing of" and insert **"standards and protocols for"**.

Page 3, delete line 19.

Page 3, line 20, delete "(2)" and insert **"(1)"**.

Page 3, line 24, delete "(3)" and insert **"(2)"**.

Page 4, line 5, delete "(4)" and insert **"(3)"**.

Page 4, line 10, delete "(5)" and insert **"(4)"**.

Page 4, line 10, delete "issuance, renewal, denial, and" and insert **"registering of qualified service providers that install newborn safety incubators."**

Page 4, delete lines 11 through 14.

Page 4, line 15, delete "(6)" and insert **"(5)"**.

Page 4, line 17, delete "(7)" and insert **"(6)"**.

Page 4, line 20, delete "An applicant must submit an application for a license" and insert **"A qualified service provider that installs a newborn safety incubator shall submit a completed registration form"**.

Page 4, line 21, delete "showing that:" and insert **", that contains the information required by the state department."**

Page 4, delete lines 22 through 35.

Page 4, line 36, delete "(c)" and insert **"(b)"**.

Page 4, line 36, delete "application" and insert **"registration fee to cover the cost of processing the registration."**

Page 4, delete line 37.

Page 4, line 38, delete "license to install and operate" and insert **"service provider's registration for"**.



Page 4, line 40, delete "expires one (1) year after the date of issuance;" and insert "**must be renewed annually;**".

Page 4, line 42, delete "in the application;" and insert "**on the registration form;**".

Page 5, line 3, delete "that holds a license under".

Page 5, line 4, delete "this chapter".

Page 5, line 19, delete "designate the" and insert "**remove the qualified service provider's registration from the registry.**".

Page 5, delete lines 20 through 26.

Page 5, delete line 31.

Page 5, line 32, delete "(3)" and insert "**(2)**".

Page 5, delete lines 33 through 34.

Page 5, line 35, delete "(6)" and insert "**(3)**".

Page 5, line 37, delete "licensed" and insert "**who meets the standards and protocols adopted under section 8 of this chapter and is registered**".

Page 6, delete line 6.

Page 6, line 7, delete "17." and insert "**16.**".

Page 6, line 9, delete "18." and insert "**17.**".

Page 6, line 10, delete "a license under" and insert "**complying with the standards and protocols adopted under section 8 of**".

Page 6, line 35, delete "that holds a license under IC 16-35-9;" and insert ";".

Page 7, line 1, delete "that holds a license under IC 16-35-9;" and insert ";".

Page 9, line 1, delete "IC 16-35-9-18" and insert "**IC 16-35-9-17**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1016 as introduced.)

CLERE

Committee Vote: yeas 12, nays 0.





## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1016, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-36-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 9.5. (a) The commission shall, before January 1, 2016, submit to the general assembly in an electronic format under IC 5-14-6 and the governor's office recommendations concerning the following:**

**(1) New methods or mechanisms for carrying out policies relating to abandoned children, including the use of newborn safety incubators (as defined in IC 16-35-9-4).**

**(2) The production and distribution of information concerning the laws regarding emergency custody of abandoned children under IC 31-34-2.5.**

**(3) The advisability of establishing and posting uniform signs regarding locations at which children may be voluntarily left with an emergency medical services provider under IC 31-34-2.5.**

**(b) This section expires July 1, 2016."**

Page 1, line 3, after "111.3." insert **"(a)".**

Page 1, between lines 5 and 6, begin a new paragraph and insert:

**"(b) This section expires July 1, 2016."**

Page 1, line 8, after "IC 16-35-9-2." insert **"This subsection expires July 1, 2016."**

Page 1, line 13, after "248.2." insert **"(a)".**

Page 1, between lines 14 and 15, begin a new paragraph and insert:

**"(b) This section expires July 1, 2016."**

Page 2, line 2, after "248.3." insert **"(a)".**

Page 2, between lines 4 and 5, begin a new paragraph and insert:

**"(b) This section expires July 1, 2016."**

Page 2, line 7, after "302.4." insert **"(a)".**

Page 2, between lines 9 and 10, begin a new paragraph and insert:

**"(b) This section expires July 1, 2016."**

Page 2, line 13, after "Incubators" insert **"Recommendations".**

Page 2, line 20, delete "IC 36-1-2-23)." and insert **"IC 36-1-2-23),**



staffed twenty-four (24) hours a day by an emergency medical services provider."

Page 2, line 21, delete "IC 35-47-15-2)." and insert "**IC 35-47-15-2),** staffed twenty-four (24) hours a day by an emergency medical services provider."

Page 2, delete lines 22 through 23.

Page 2, line 36, delete "IC 36-1-2-23)." and insert "**IC 36-1-2-23),** staffed twenty-four (24) hours a day by an emergency medical services provider."

Page 2, line 37, delete "IC 35-47-15-2)." and insert "**IC 35-47-15-2),** staffed twenty-four (24) hours a day by an emergency medical services provider."

**Sec. 6. The state department shall, before January 1, 2016, prepare and submit to the general assembly in an electronic format under IC 5-14-6 and the governor's office recommendations concerning standards and protocols for the installation and operation of newborn safety incubators. In preparing the recommendations under this section, the state department shall consider the following:**

- (1) Sanitation standards for newborn safety incubators.**
- (2) Procedures to provide emergency care for a newborn left in a newborn safety incubator.**
- (3) Manufacturing and manufacturer standards for newborn safety incubators.**
- (4) Design and function requirements, including that a newborn safety incubator satisfies all the following:**
  - (A) Is accessible from the exterior of a facility.**
  - (B) Allows a newborn to be placed anonymously in the newborn safety incubator from outside the facility.**
  - (C) The door or window of the newborn safety incubator that allows access outside the facility automatically locks after a newborn is placed in the newborn safety incubator.**
  - (D) A person outside the facility is unable to access the newborn safety incubator after a newborn has been placed in the newborn safety incubator.**
  - (E) Provides a controlled environment for the care and protection of the newborn.**
  - (F) Has a signal that notifies an emergency medical services provider within thirty (30) seconds of a newborn being placed in the newborn safety incubator.**
  - (G) Is accessible to an emergency medical services provider inside the facility.**



- (5) The operating policies, supervision, and maintenance of a newborn safety incubator, including requiring that only an emergency medical services provider supervise the newborn safety incubator and take custody of a newborn.**
- (6) Procedures and forms for the registering of qualified service providers that install newborn safety incubators.**
- (7) Procedures and standards for inspections of newborn safety incubators.**
- (8) Costs concerning the registration and regulation of newborn safety incubators and fees for registration to offset the costs.**
- (9) Preparation and posting of signs near or on newborn safety incubators.**
- (10) Enforcement actions and remedies for violations concerning newborn safety incubators.**
- (11) Any other criteria the state department considers necessary to ensure the safety and welfare of a newborn placed in a newborn safety incubator.**

**Sec. 7. This chapter expires July 1, 2016."**

Page 2, delete lines 38 through 42.

Delete pages 3 through 8.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1016 as printed February 20, 2015.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 10, Nays 0.

